

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TONI SHINN,

Petitioner

v.

JO ANNE B. BARNHART,

Defendant

Civil Action No. 05-0433

ORDER

February 21, 2006

Upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.¹
2. The Plaintiff's Motion for Summary Judgment is GRANTED IN PART.
3. The Defendant's Motion for Summary is DENIED.

¹ On page 3, the Report and Recommendation states that "The initial burden of proving disability rests with the claimant, who can meet this burden by demonstrating an ability to return to previous work." The word "ability" would appear to be a typographical error; the intended word, doubtless, was "inability."

4. The decision of the Commissioner which denied Supplemental Security Income is REVERSED, and the case is REMANDED to the Commissioner for further proceedings in accordance herewith.

BY THE COURT:

s/ Louis Pollak

LOUIS H. POLLAK J.